boot to the snowboard without requiring side to side rocking. However, Raines expressly teaches away from such a modification. As stated at column 3, lines 43-47 of Raines, an object of the Raines invention is to provide a boot for snowboarding that can be bound to a snowboard along the lateral edges of the boot, not on the toe and heel. The reason for this objective is readily apparent from the way in which snowboards are used. Snowboarders ride the snowboard with the feet pointing toward the side edge of the snowboard, and the snowboard is controlled by changing the rider's center of gravity, primarily by leaning toward the front and rear of the snowboard. Thus, as noted at various points in the Raines patent, the lateral edges of the boot sole bear the brunt of the mechanical stress. See, e.g., col. 3, lines 9-14 and lines 29-33. Modifying the Raines boot as suggested by the examiner would thwart the main objective of the Raines patent.

The examiner further states that it would be obvious to provide a taper to the first portion of Raines for the purpose of allowing the binding to be seated in a simple manner, reducing the time required to connect the boot to the board. However, Lin makes no reference to any tapered structure, what functions they perform, any benefit produced by tapered structures, or whether any structures disclosed would have any use in a snowboard environment. There is no suggestion in Lin of providing a taper to anything. The teachings of the applicant's invention is being used against him as if it were prior art, which is improper.

As for claims 145-147, the examiner states that it would be obvious to provide an abutment on the modified Raines binding in order to reduce inward or forward travel of the latch element and to reduce the apparent vertical profile of the latch above the main body. Once again, Lin is silent about any abutments, what functions they perform, any benefit produced by them, or whether any structures disclosed would have any use in a snowboard environment. There seems to be no basis to say that the Lin arrangement reduces the vertical profile of the latch, or that such a reduced vertical profile would be beneficial in a snowboard latching mechanism. This is especially true since snow may be deposited between the boot and the board, thus interfering with the latching function of a reduced vertical profile latch.

As for the rejection of claim 54, the examiner's reasoning would be correct if there were merely a duplication of features with no additional functions. However, providing plural bevel

surfaces produce additional functions such as allowing disengagement to occur from additional directions or orientations.

Claims 64 and 69 were rejected under 35 U.S.C. §103(a) as being unpatentable over Raines in view of Lin and Bourdeau (US 5,595,396). This basis for rejection is respectfully traversed.

The examiner states that it would be obvious to place the cleat above the bottom surface of the shoe sole for the purpose of reducing the overall vertical height of the show when it is installed on the binding. However, the Raines boot sits flat on the board as it is. Contrary to the examiner's statement, embedding the cleat into the sole would require the sole to be thickened to accommodate the cleat, thus increasing the vertical height of the boot, rather than decrease it.

Accordingly, it is believed that the rejections under 35 U.S.C. §103 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,

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